

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Gary B. Carman et al.

Confirmation No: 4581

Application No: 09/903,685

Group Art Unit: 1744

Filed: July 13, 2001

Examiner: Sean E. Conley

For: DYNAMIC O_x BIOLOGICAL BURDEN REDUCTION

Customer Number: 32042

**REQUEST FOR SUPPLEMENTAL NOTICE OF ALLOWABILITY AND
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

The Applicants note with appreciation the receipt of a Notice of Allowance and Fees Due dated April 13, 2004.

Upon review of the file, Applicants' representative noted that an Information Disclosure Statement was filed July 13, 2001. However, it does not appear that an Examiner-initialed copy of the PTO-1449 that accompanied the IDS was returned to the Applicants. Thus, attached hereto is a copy of the Information Disclosure Statement filed on July 13, 2001 including a blank PTO-1449 form. Applicants respectfully request that the Examiner initial the references cited on said PTO-1449 form and return the same to Applicants.

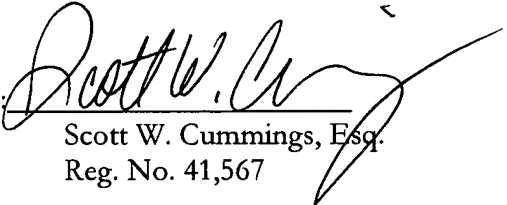
Attached to the Notice of Allowability of April 13, 2004 was an Examiner's Statement of Reasons for Allowance. With regard to the statements contained therein, Applicants wish to affirmatively state for the record that they do not capitulate to the correctness of the characterization of the prior art references, or to the characterization of the claimed subject matter contained in the Examiner's statement of reasons for allowance. Applicants seek to avoid any negative inferences which could otherwise be drawn from the aforementioned statements.

Further and favorable action in the form of a Supplemental Notice of Allowability attaching an Examiner-initialed PTO-1449 form originally filed with the Information Disclosure Statement of July 13, 2001 is respectfully requested. Should the Examiner feel that any issues remain, it is respectfully requested that the undersigned be contacted so that any such issues may be adequately addressed and issuance of the application expedited.

Respectfully submitted

PATTON BOGGS LLP

Dated: May 4, 2004

By: 
Scott W. Cummings, Esq.
Reg. No. 41,567

Patton Boggs LLP
8484 Westpark Drive
McLean, VA 22102
Telephone: (703) 744-8000
Fax: (703) 744-8001



PATENT/DC

Docket No.: 8631-009-21 CONT

By: SBK/LAD/imp

PMRW No.: 301466-11

Serial No.: New Application

In the Matter of the Application of: Gary B. CARMAN, et al.

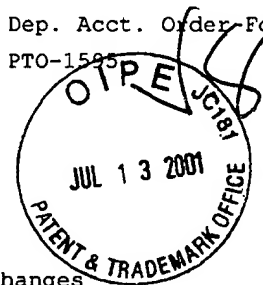
For: DYNAMIC O₂ BIOLOGICAL BURDEN REDUCTION

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ 23 pp. Specification & 44 Claims/Drawings 4 Sheets
- ☒ Combined Declaration, Petition & Power of Atty.
(2 Pages/Executed Copy)
- ☒ Utility Patent Application Transmittal
- ☐ Continued Prosecution Application
- ☐ Request for Continued Examination (RCE)
- ☐ List of Inventors' Names and Addresses
- ☒ Fee Transmittal
- ☒ Check for \$ 355.00 ☐ Dep. Acct. Order-Form
- ☐ Assignment pages (executed) ☐ PTO-1585
- ☐ Request for Priority
- ☐ Priority Doc. ()
- ☒ White Advance Serial Number Postcard
- ☒ Preliminary Amendment
- ☒ Letter to Official Draftsman
- ☐ Request for Approval of Proposed Drawing Changes
- ☒ Drawings 3 sheets (Formal)
- ☐ Letter (Transmittal)
- ☐ Amendment
- ☐ Request for Extension of Time (month(s))
- ☒ Information Disclosure Statement ☒ PTO-1449
- ☐ List of Related Cases
- ☒ Cited Documents (18)
- ☐ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐ Rule 132 Declaration
- ☐ Issue Fee Transmittal
- ☒ Revocation and New Appoint. of Power of Atty. (Executed Copy)

Rev. 6/00

DUE DATE: July 13, 2001



0-15

IN RE APPLICATION: Gary B. CARMAN, et al.

GROUP ART UNIT:

SERIAL NUMBER: New Application

EXAMINER:

FILED: Herewith

FOR: DYNAMIC O_x BIOLOGICAL BURDEN REDUCTIONINFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant(s) wish(es) to disclose the following information.

REFERENCES

- ☒ Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents are of record in parent U.S. patent application serial no. 09/217,581, filed December 22, 1998 (Allowed), or are attached along with Form PTO-1449.

RELATED CASES

- ☐ Attached is a list of Applicant's(s') pending applications and issued patents which may be related to the present application. Copies of the documents, where required, are attached along with Form PTO-1449.

CERTIFICATION

The undersigned certifies that

- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- ☒ without fee and with a new Utility Application
- ☐ without fee and within three months of the filing date of the application.
- ☐ without fee and within three months of the date of entry of the U.S. national stage.
- ☐ without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- ☐ without fee and with the appropriate certification above.
- ☐ without fee and with a new CPA application.
- ☐ without fee and with a Request for Continued Examination.
- ☐ with fee and before the mailing date of any of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- ☐ with fee, appropriate certification above, and before payment of the Issue Fee.

DEPOSIT ACCOUNT

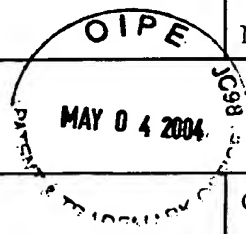
- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

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Washington, DC 20036-2412
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Form PTO 1449 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		DOCKET NO. 8631-009-21 CONT		SERIAL NO. New Application	
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Gary B. CARMAN, et al.		GROUP ART UNIT	
		FILING DATE Herewith			



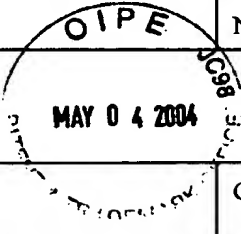
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	AA	3,068,064	12/11/62	R.L. McDonald			
	AB	3,549,528	12/22/70	E.T. Armstrong			
	AC	3,897,210	07/29/75	Gruber, et al.			
	AD	4,517,159	05/14/85	Karlson			
	AE	4,640,782	02/03/87	Burleson			
	AF	4,988,484	01/29/91	Karlson			
	AG	5,069,880	12/03/91	Karlson			
	AH	5,518,698	05/21/96	Karlson, et al.			
	AI	5,120,512	06/09/92	Masuda			
	AJ	5,241,803	09/07/93	Griffin			
	AK	5,344,622	09/06/94	Faddis, et al.			
	AL	3,719,017	03/06/73	J.S. Shapiro, et al.			
	AM	5,702,669	12/30/97	Green			
	AN	4,822,563	04/18/89	Joslyn			
	AO	5,200,158	04/06/93	Jacob			

FOREIGN PATENT DOCUMENTS					
DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
			YES	NO	
AP	JP 6-327448	11/29/94	Japan	XX**	
AQ	JP 6-153880	06/03/94	Japan	XX**	
AR	JP 7-80052	03/28/95	Japan	XX**	
AS	JP 3-216173	09/24/91	Japan	XX**	
AT	JP 10-174570	6/30/98	Japan	XX**	
AU	JP 20-76562	03/15/90	Japan (English Abstract Only)	XX**	

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

** English Abstract Provided

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		DOCKET NO. 8631-009-21 CONT		SERIAL NO. New Application	
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Gary B. CARMAN, et al.				GROUP ART UNIT	
		FILING DATE Herewith					
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AV	4,182,663	01/08/80	Vaseen			
	AW	5,135,721	08/04/92	Richard			
	AX	6,066,348	05/23/00	Yuan, et al.			
	AY	5,413,758	05/09/95	Caputo, et al.			
	AZ	5,700,505	12/23/97	Hurst			
	BA	5,783,242	07/21/98	Teague			
	BB	5,597,599	01/28/97	Smith, et al.			
	BC	5,514,345	05/07/96	Garbutt, et al.			
	BD	5,087,466	02/11/92	Coudrains, et al.			
	BE	5,281,428	01/25/94	Morgan			
	BF	765,972	07/26/04	Heyde, et al.			
	BG	5,011,699	04/30/91	Mitsuda, et al.			
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	BH	Kalrson, E., "Ozone Sterilization", July 1989.					
	BI	Barth, M., et al. "Ozone Storage Effects on Anthocyanin Content and Fungal Growth in Blackberries", Journal of Food Science, Volume 60, No. 6, 1995.					
	BJ	Kuprianoff, J. "The Use of Ozone for the Cold Storage of Fruit", Abstract of Literature Assembled for Review, Z. Kaltentechnik, Volume 10, pages 1-2, 1953.					
	BK	Chun, J.K., et al. "Sterilizing and Deodorizing Effect of UV-Ray Air Cleaner for Refrigerator", Abstract of Literature Assembled for Reivew, Korean J. Food Sci. Technol., Volume 25, No. 2, pages 174-177, 1993.					
	BL	Derwent Abstract 421152, 1998					



B

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/903,685	
	Filing Date	July 13, 2001	
	First Named Inventor	Gary B. Carman	
	Art Unit	1744	
	Examiner Name	Sean E. Conely	
Total Number of Pages in This Submission	7	Attorney Docket Number	020245.0112C1US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> (1) Request for Supplemental Notice of Allowability and Comments on Statement of Reasons for Allowance (2) Copy of IDS filed 7/13/01
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Scott W. Cummings, Esq., Reg. No. 41,567 Patton Boggs LLP
Signature	
Date	May 4, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.